



CRIMINAL COMPLAINT

STATE OF NEW MEXICO

BERNALILLO

COUNTY

ALBUQUERQUE

CITY

IN THE DISTRICT

COURT

-- VS --

Name BACHICHA TIM
 Address: 6750 5TH ST NW
 City/Zip LOS RANCHOS NM 87107
 D.O.B. [REDACTED]
 S.S.N. [REDACTED]

STN #:

Arrest Date: 10/19/2016Driver Lic # NM 121376814

Citation #:

Arrest #:

Docket #:

Date Filed: 10/19/2016**CRIME: EXTREME CRUELTY TO ANIMALS**

(Common name of Offense or Offenses)

The undersigned, under penalty of perjury, complains and says that on or about 10/19/2016, In the County/City of ALBUQUERQUE, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 30-18-1 NMSA 1978.

Offense, Desc: EXTREME CRUELTY TO ANIMALS

Contrary to Section 30-6-1 NMSA 1978.

Offense, Desc: ABANDONMENT OR ABUSE OF A CHILD

Contrary to Section 30-6-1 NMSA 1978.

Offense, Desc: ABANDONMENT OR ABUSE OF A CHILD

Contrary to Section 30-6-1 NMSA 1978.

Offense, Desc: ABANDONMENT OR ABUSE OF A CHILD

Contrary to Section 30-6-1 NMSA 1978.

Offense, Desc: ABANDONMENT OR ABUSE OF A CHILD

Contrary to Section 30-3-13 NMSA 1978.

Offense, Desc: AGGRAVATED ASSLT HOUSEHOLD MEM

Contrary to Section 30-7-16 NMSA 1978.

Offense, Desc: POSSESSION FIREARM BY A FELON

Contrary to Section 30-22-5 NMSA 1978.

Offense, Desc: TAMPERING WITH EVIDENCE

ON OR ABOUT OCTOBER 19, 2016 AT APPROXIMATELY 0705 HOURS I RESPONDED TO 6750 5TH, NW IN REFERENCE TO A MALE THAT WAS NAKED, ACTING OUT OF CHARACTER, AND SHOT A CANINE. WHILE STANDING BY FOR ADDITIONAL UNITS DISPATCH ADVISED THAT THE MALE WAS BECOMING AGITATED DUE TO THE PHONE CALL TO THE POLICE, AND WAS HEARD IN THE BACK GROUND STATING THAT HE "SHOT A SKUNK." UPON ARRIVAL I WAS CONFRONTED BY A FEMALE CARRYING AN INFANT. SHE INFORMED ME THAT THE MALE WAS STILL INSIDE. MYSELF AND DEPUTY C. ERB (#165) MADE ANNOUNCEMENTS AT THE DOOR FOR THE MALE, TIM BACHICHA, TO COME TO THE DOOR. I OBSERVED A MALE IN BLUE JEANS AND NO SHIRT COME FROM A HALLWAY TO THE SOUTH TOWARDS THE FRONT DOOR. HE CROSSED THROUGH A LIVING AREA WHERE I OBSERVED SEVERAL ITEMS ON THE GROUND THAT APPEARED TO BE BROKEN. I IMMEDIATELY PLACED HIM IN HANDCUFFS UNTIL THE ISSUE WITH HANDGUN COULD BE RESOLVED. THE MALE IDENTIFIED HIMSELF AS TIM BACHICHA. HE INFORMED ME THAT THERE WERE ISSUES BETWEEN HE AND HIS WIFE IN REFERENCE TO INFIDELITY. HE STATED THAT HE HAD "DISAPPEARED" FOR SOME TIME AND THAT HIS WIFE FOUND HIM NAKED WITH ANOTHER WOMAN. HE STATED THAT SOME SORT OF VERBAL ALTERCATION OCCURRED "HOURS" AGO, AND THAT HIS WIFE TOLD HIM TO TAKE OUT THE DOGS. HE STATED THAT SHE THEN YELLED AT HIM LATER TO PUT THE DOGS BACK IN BECAUSE IT HAD BEEN TOO LONG. HE STATED THAT HE WENT OUT AND THE DOG WAS FIGHTING WITH A SKUNK AND THEN HE HEARD A SHOT. HE STATED THAT HE DID NOT KNOW WHO OR WHERE THE SHOT CAME FROM. HE THEN GOT LOCKED OUT OF THE HOUSE. MR. BACHICHA THEN BACK TRACKED AND STATED THAT HE HEARD ANIMALS FIGHTING, WENT OUT, HEARD A SHOT, THEN RAN BACK INSIDE. I THEN PROCEEDED TO THE BACKYARD WHERE IN THE NORTHEAST CORNER I LOCATED A LARGE CANINE, DOZER, WITH A SINGLE GUN SHOT WOUND TO THE UPPER SHOULDER/BACK AREA. THE CANINE HAD EVACUATED ITS BOWLS AND ROLLED INTO THEM. I OBSERVED HEAVY LABORED BREATHING. DOZER IS A 6 YEAR OLD ENGLISH BULLDOG. I OBSERVED SEVERAL DROPS OF BLOOD NEAR THE REAR GLASS DOOR THAT THE DOGS GET LET OUT OF. THIS WOULD BE AN INDICATION OF A POSSIBLE AREA THAT THE CANINE (DOZER) WAS SHOT, AND THEN HE MOVED TO HIS AREA OF COMFORT. LOS RANCHO ANIMAL CONTROL ARRIVED ON SCENE AND TOOK POSSESSION OF DOZER, AND TOOK THE CANINE TO RECEIVE VETERINARY CARE. I WAS LATER INFORMED THAT DOZER HAD BEEN MOVED TO ANOTHER FACILITY AND THAT THE BULLET WAS LODGED INTERNALLY. I WAS LATER INFORMED THAT DUE TO EXTREME COST OF SURGERY THAT DOZER WOULD HAVE TO BE EUTHANIZED DUE TO HIS INJURY. I THEN SPOKE WITH B. [REDACTED] B. [REDACTED] SHE INFORMED ME THAT THIS STEMS FROM HIM DISAPPEARING AND THAT SHE FOUND HIM AT HER SHOP IN A CUSTOMER'S COMMERCIAL MOTOR VEHICLE NAKED WITH ANOTHER WOMAN. SHE INFORMED HIM AT THAT TIME THAT THEY WERE FINISHED. SHE FURTHER EXPLAINED THAT SHE ALLOWED HIM TO STAY IN

THE FRONT LIVING ROOM UNTIL THEY WORKED OUT THE PARTICULARS. SHE STATED THAT AT APPROXIMATELY 0000 HOURS SHE INFORMED HIM THAT SHE STILL INTENDED TO LEAVE HIM. HE REQUESTED THAT HE LAY WITH HER ONE LAST TIME SO HE COULD SMELL HER. SHE AGREED AND LAID DOWN IN THE BED WITH THEIR INFANT CHILD. SHE FURTHER STATED THAT HE THEN PROCEEDED TO TRY AND HAVE SEX WITH HER, BUT SHE TOLD HIM NO. MR. BACHICHA BECAME ENRAGED AT THAT POINT AND SHE TOLD HIM TO LEAVE THE ROOM AN ARGUMENT ENSUED AND HE BROKE ITEMS ON THE LIVING ROOM FLOOR. MS. B. INSTRUCTED HER OLDEST DAUGHTER, A. TO GET HER BROTHER AND TAKE HIM INTO HER ROOM. AT APPROXIMATELY 0330 HOURS SHE WAS AWOKEN BY A KNOCK AT HER BEDROOM DOOR AND MR. BACHICHA ACCUSING HER OF "SLEEPING" WITH OTHER MEN AND BEING PARANOID ABOUT WHO WAS IN THE ROOM WITH HER NOW. SHE STATED THAT HE WAS NAKED AT THE TIME AND THAT SHE NOTICED HER PURSE ON THE DINING ROOM FLOOR. MS. B. STATED THAT SHE HAD LOCKED HER PURSE IN THE FORD EXCURSION OUT FRONT AND THAT WHEN SHE PICKED IT UP AND IT FELT HEAVY ENOUGH, BUT SHE DID NOT EVEN THINK TO LOOK FOR HER .22 CALIBER HANDGUN AT THAT TIME. SHE STATED THAT SHE WENT BACK TO BED AND AT 0630 THE ALARM WENT OFF AND SHE ASKED A. TO LET THE DOGS OUT. SHE STATED THAT SHE SAW MR. BACHICHA, STILL WITH NO CLOTHES ON AND ONLY A TOWEL COVERING HIS PENIS, WITH HER HANDGUN GO OUTSIDE. SHE STATED THAT SHE HEARD A SHOT AND THAT MR. BACHICHA WAS NOW INSIDE THE RESIDENCE WAVING THE GUN AROUND IN THE KITCHEN. MS. B. STATED THAT AT THAT POINT SHE WAS IN FEAR THAT THE GUN MAY GO OFF AND THAT SHE WAS IN FULL ON "MOM" MODE. SHE TOLD ME HER ADRENALINE WAS PUMPING AND SHE WAS TELLING HIM TO GET OUT. MS. B. STATED THAT SHE WAS IN FEAR FOR HER CHILDREN. SHE STATED THAT SHE INSTRUCTED A. TO PHONE THE POLICE AT THAT POINT AND FOR EVERYONE TO STAY IN THE BEDROOM. I COULD SEE THAT MS. B. WAS STILL IN A "HYPED UP" MODE AND HAD NOT COME DOWN FROM THE ADRENALINE DUMP THAT SHE RECEIVED. MS. B. WAS AND IS UNABLE TO ARTICULATE HERSELF BEING IN FEAR AT THIS TIME. WHEN SHE ASKED HIM ABOUT SHOOTING THE DOG HE STATED THAT SOMEONE HIT THE DOG AND WAS WAITING FOR HER OUTSIDE. SHE INFORMED ME THAT SHE BELIEVED THAT WAS A PLOY TO GET HER OUTSIDE AND SHE WENT BACK TO HER ROOM. I BRIEFLY SPOKE WITH MR. BACHICHA AGAIN TO TRY AND CLARIFY SOME OF HIS PREVIOUS STORY. HE STATED THAT HE WENT TO TAKE THE DOGS OUT AND GOT LOCKED OUT. HE DID NOT STATE ANYTHING ABOUT THE DOG BEING SHOT OR IN A FIGHT WITH A SKUNK. WHEN I INQUIRED ABOUT THE REASON HE WAS NAKED HE INFORMED ME THAT HE WENT OUT IN HIS BOXERS. I ASKED HIM HOW THE BOXERS GOT OFF. HE STATED THAT HE BECAME UPSET AT BEING LOCKED OUT AND RIPPED THEM OFF. NONE OF MR. BACHICHA'S STORY MADE SENSE AND IT NEVER REMAINED CONSISTENT WITH WHAT HE PREVIOUSLY STATED. HE STATED THAT HE NEVER HAD A GUN NOR WOULD HE SHOOT THE DOG. MS. B. GAVE CONSENT TO SEARCH HER HOME FOR HER .22 CALIBER HANDGUN THAT IS NO LONGER WHERE SHE LEFT IT IN HER PURSE. DEPUTIES WERE UNABLE TO LOCATE THE HANDGUN INSIDE THE RESIDENCE OR THE EXTERIOR. THE GUN IS NO LONGER IN HER PURSE. I CHECKED WITH DISPATCH SINCE A COMMENT IN THE CALL STATED THAT A MALE WAS OVERHEARD IN THE BACKGROUND ON THE 911 CALL STATING THAT HE SHOT A SKUNK. DISPATCH INFORMED ME THAT INDEED A MALE COULD BE HEARD MAKING THAT STATEMENT ON THE 911 RECORDED CALL. A COPY OF THAT RECORDING WAS OBTAINED AND TAGGED INTO EVIDENCE. I FINALLY SPOKE WITH A. B. SHE INFORMED ME THAT AROUND 0300 HOURS SHE WAS WOKEN BY AN ARGUMENT BETWEEN HER FATHER AND MOTHER AND OBSERVED HER FATHER BREAKING ITEMS ON THE LIVING ROOM FLOOR LOOKING FOR SOMETHING. SHE STATED THAT SHE GOT HER BROTHER AND WENT TO HER MOTHER'S ROOM. SHE STATED THAT SHE WAS AWOKEN AGAIN A SHORT TIME LATER AND HE HAD COME BACK AND THEY BEGAN ARGUING AGAIN. AT 0630 HOURS SHE WAS AWOKEN BY THE ALARM TO GET READY FOR SCHOOL. SHE INFORMED ME THAT SHE USUALLY LETS THE DOGS OUT. SHE STATED THAT HER FATHER IMMEDIATELY FOLLOWED HER OUTSIDE AND THAT HE ONLY HAD A PURPLE TOWEL ON COVERING HIS GENITAL AREA. SHE INFORMED ME THAT SHE WAS UNCOMFORTABLE AND TRIED NOT PAY ATTENTION TO HIM. SHE STATED THAT SHE WENT TO THE BATHROOM TO GET READY AND THEN HEARD A GUN SHOT. SHE PROCEEDED TO THE BACK DOOR AND WENT TO LOOK FOR DOZER. SHE STATED HER FATHER WAS INSIDE AT THIS POINT AND STATED TO HER, "THE DOG STINKS, SO I SHOT IT." A. INFORMED ME THAT DOZER HAD A TUMOR THAT CAUSED HIM TO SMELL. SHE FURTHER STATED THAT SHE AND HER MOTHER THEN WENT OUTSIDE TO LOOK FOR DOZER AND WHEN THEY CAME BACK IN MR. BACHICHA NOW STATED, "YOU GUYS ARE STUPID, I DIDN'T SHOOT THE DOG." MR. BACHICHA WAS ACTING OUT IN A WAY THAT WAS FAR FROM HIS NORMAL DEMEANOR, WITH NO CLOTHES ON, WAVING A GUN AROUND IN THE PRESENCE OF AT LEAST ONE JUVENILE CHILD AND MS. B., AND HAD JUST SHOT MS. B.'S FAVORITE DOG. SHE INFORMED ME THAT SHE HAD ALWAYS REFERRED TO DOZER TO MR. BACHICHA AS "HER OLD MAN." MR. BACHICHA'S ACTIONS PLACED MS. B., A. B. AND ALL OF THEIR MINOR CHILDREN IN A POSITION TO POTENTIALLY RECEIVE GREAT BODILY INJURY AND OR DEATH. THIS IS ALSO CONSISTENT WITH THE FACT THAT MR. BACHICHA NEGLIGENTLY USED A FIREARM IN THE CLOSE PROXIMITY OF FOUR JUVENILE CHILDREN BEHIND COVER THAT IS EITHER GLASS, NO CORE INTERIOR DOORS, OR DRY WALL WHILE SHOOTING AND/OR WAVING IT AROUND IN THE KITCHEN. A RAN A III ON MR. BACHICHA AND LEARNED THAT HE HAD AT LEAST TWO PREVIOUS FELONY CONVICTIONS IN HIS PAST.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE, SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Complainant

Title(if any)

3253

Agency(if any)

BERNALILLO COUNTY SHERIFF'S OF

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the district attorney or a law enforcement officer is not otherwise required.

Approved

DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER

[As amended, approved by the Supreme Court of New Mexico, effective September 1, 1990; April 1, 1991; November 1, 1991.]

PROBABLE CAUSE DETERMINATION

(For use only if the defendant has been arrested
without a warrant and has not been released)

Finding of Probable Cause

☐ I find that there is awritten showing of probable cause to believe that a crime has been committed and that the above named defendant committed it.

It is ordered that the defendant shall be released:

☐ on personal recognizance.

☐ on the conditions of release set forth in the release order.

Failure to Make Showing of Probable Cause

☐ I find that probable cause has not been shown that a crime has been committed and that the above named defendant committed it . It is therefore ordered that the complaint against the defendant be and the same is hereby dismissed without prejudice and the defendant be immediately discharged from custody.

Date

Judge

Unless the defendant has been released on personal recognizance, the amount of bail set and any conditions of release prescribed by a designee must also be reviewed.

[Approved by the Supreme Court of New Mexico, effective September 1,1990.]